

REMARKS

In the last Office Action, the Examiner allowed claims 101-107 and 123-126 and rejected claims 108-114 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. According to the Examiner, claim 108 (and claims 109-114, which depend therefrom) is indefinite for its recitation of "dye-labeled ribonucleotide of the invention." (Office Action, page 2.) The Examiner suggested that claim 108 be amended to recite "dye-labeled ribonucleotide of formula I, or II, . . .". (*Id.*)

As suggested by the Examiner, Applicants have amended claim 108 to recite "at least one dye-labeled ribonucleotide having the formula" of as-filed claim 1. Because compounds having this formula are the dye-labeled ribonucleotides of the invention, this amendment does not change the scope of claim 108 and does not add new matter. In addition, Applicants have added dependent claims 127 and 128, which recite specific embodiments of the formula of amended claim 108, and claim 129, which recites an additional step. The newly added claims are supported by the as-filed claims and add no new matter. In addition, Applicants have amended claims 109, 111, and 124 to correct clerical errors or to reflect the language of the claims from which these claims depend.

Applicants have also cancelled claims 1-100, 115-118, and 123 without prejudice to or disclaimer of the subject matter recited therein. The Examiner had earlier withdrawn these claims from consideration after Applicants elected claims 101-114 in response to the Office Action mailed September 20, 2002. (Office Action mailed January 31, 2003.)

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Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 101-114 and 124-129 in condition for allowance. Applicants submit that the proposed amendment of claim 108 and the addition of claims 127-129 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. In particular, Applicants rely on the Examiner's decision to allow claims 101 and 124-126 after an amendment virtually identical to that now made to claims 108 and 127-129. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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